

# EXHIBIT B

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA, ) AU:21-CR-00203(1)-LY  
)  
Plaintiff, )  
)  
v. ) AUSTIN, TEXAS  
)  
RYAN TAYLOR FAIRCLOTH, )  
)  
Defendant. ) MAY 27, 2022

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TRANSCRIPT OF SENTENCING HEARING  
BEFORE THE HONORABLE LEE YEAKEL  
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APPEARANCES:

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FOR THE DEFENDANT: SHAWN C. BROWN  
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Proceedings recorded by computerized stenography, transcript  
produced by computer.

15:41:38 1 (Open court, defendant present)

15:41:38 2 THE CLERK: The Court calls for sentencing 21-CR-203,  
15:41:41 3 *United States v. Ryan Taylor Faircloth.*

15:41:44 4 MR. SRINIVASAN: Good afternoon, Your Honor. Karthik  
15:41:47 5 Srinivasan and Michael Galdo for the government.

15:41:49 6 MR. BROWN: Good afternoon, Your Honor. Shawn Brown  
15:41:52 7 from San Antonio for Ryan Faircloth.

15:42:26 8 THE COURT: Will the defendant please state his name.

15:42:27 9 THE DEFENDANT: Ryan Taylor Faircloth.

15:42:31 10 THE COURT: Mr. Faircloth, you have pleaded guilty to  
15:42:33 11 count one of an indictment charging you with arson, a Class C  
15:42:37 12 felony; is that correct?

15:42:38 13 THE DEFENDANT: Yes, Your Honor.

15:42:39 14 THE COURT: You pleaded guilty on January the 10th,  
15:42:42 15 2022 before United States Magistrate Judge Susan Hightower.

15:42:48 16 Do you remember that?

15:42:49 17 THE DEFENDANT: Yes, Your Honor.

15:42:50 18 THE COURT: Is it your intention to continue with  
15:42:51 19 your plea of guilty today?

15:42:53 20 THE DEFENDANT: Yes, Your Honor.

15:42:54 21 THE COURT: Is there a plea agreement in this case?

15:42:57 22 MR. SRINIVASAN: Yes, Your Honor.

15:42:58 23 THE COURT: Mr. Faircloth, do you reaffirm the  
15:43:01 24 statements that you made in your plea agreement as well as the  
15:43:05 25 statements that were made in factual basis that was presented

15:43:08 1 to Judge Hightower at the time you made your plea of guilty?

15:43:12 2 THE DEFENDANT: Yes, Your Honor.

15:43:13 3 THE COURT: Then the court accepts and adopts the  
15:43:15 4 report and recommendation of the magistrate judge, accepts your  
15:43:19 5 plea of guilty, and finds you guilty of the offense to which  
15:43:23 6 you have pleaded guilty. Have you had sufficient time to  
15:43:29 7 review with your lawyer the presentence investigation report  
15:43:34 8 prepared by the probation department in this case?

15:43:36 9 THE DEFENDANT: Yes, Your Honor.

15:43:38 10 THE COURT: Do you understand that under the  
15:43:40 11 guidelines established by the United States Sentencing  
15:43:42 12 Commission, which are advisory to this court, the probation  
15:43:50 13 department has computed your total offense level as 33 and your  
15:43:53 14 criminal history category as six, meaning that if this court  
15:44:00 15 were to determine that a guideline sentence was an appropriate  
15:44:02 16 sentence to impose in this case, I could sentence you to  
15:44:07 17 240 months confinement in the Bureau of Prisons, a term of  
15:44:15 18 supervised release of three years, a fine of \$250,000,  
15:44:17 19 restitution in the amount of \$12,472.84, and a special  
15:44:24 20 assessment of \$100?

15:44:27 21 THE DEFENDANT: Yes, Your Honor.

15:44:28 22 THE COURT: Do you also understand that under the  
15:44:31 23 statute which you have pleaded guilty and been found guilty, I  
15:44:38 24 could sentence you to 20 years confinement in the Bureau of  
15:44:40 25 Prisons, and must sentence you to at least five years

15:44:43 1 confinement in the Bureau of Prisons, a term of supervised  
15:44:50 2 release of three years, a fine of \$250,000, restitution in the  
15:44:54 3 amount of \$12,472.84, and a special assessment of \$100?

15:45:03 4 THE DEFENDANT: Yes, Your Honor.

15:45:03 5 THE COURT: Does the government have objection to the  
15:45:05 6 presentence investigation report?

15:45:05 7 MR. SRINIVASAN: Your Honor, we did not file  
15:45:07 8 objections. However, the defendant did file an objection, to  
15:45:11 9 which we agree, that a particular guideline enhancement does  
15:45:13 10 not apply.

15:45:14 11 THE COURT: Pardon me. I didn't understand what you  
15:45:16 12 just said, the last part.

15:45:18 13 MR. SRINIVASAN: I'm sorry, Your Honor. I'll speak  
15:45:20 14 into the microphone.

15:45:20 15 The defendant filed an objection to the presentence  
15:45:23 16 investigation report. We sent a response to probation  
15:45:26 17 indicating that we agreed with that objection. So I just want  
15:45:28 18 to be clear that we're not filing an objection, but we do agree  
15:45:31 19 with the objection that the defendant filed.

15:45:33 20 THE COURT: All right. All right. Mr. Brown, does  
15:45:39 21 the defendant have objection to the presentence investigation  
15:45:43 22 report?

15:45:43 23 MR. BROWN: He does, Your Honor. And we filed that  
15:45:45 24 with the probation department. And just like the government  
15:45:46 25 indicated, we objected to the enhancement for the Act of

15:45:50 1 Terrorism under 18, U.S. Code, 2332(b), indicating that it  
15:45:56 2 didn't apply under this particular case with the facts. And,  
15:45:58 3 again, the government agreed based on the facts of this  
15:46:01 4 particular case.

15:46:04 5 THE COURT: So what paragraph are we referring to?  
15:46:11 6 Paragraph 26?

15:46:12 7 MR. BROWN: Judge, there's several that mention it,  
15:46:15 8 so it would be 14, 26, 29 --

15:46:16 9 THE COURT: I'm just interested in how it affects the  
15:46:20 10 guideline range that the court considers. Right now  
15:46:25 11 paragraph 26 contains a 12-level addition by virtue of the fact  
15:46:36 12 it says the offense is a felony that involved or was intended  
15:46:40 13 to promote a federal crime of terrorism.

15:46:44 14 You filed an objection which the government has  
15:46:46 15 conceded. How does that affect paragraph 26?

15:46:51 16 MR. BROWN: Twenty-six should go from 12 to zero.

15:46:53 17 MR. SRINIVASAN: That's correct, Your Honor.

15:46:55 18 THE COURT: All right. So if I grant that and strike  
15:46:58 19 that, then that reduces the adjusted offense level from 36 to  
15:47:08 20 24.

15:47:09 21 MR. BROWN: That's correct, Your Honor.

15:47:10 22 THE COURT: And then we take off the three-level  
15:47:13 23 adjustment for acceptance of responsibility, and that comes up  
15:47:16 24 with a total offense level of 21 and a criminal history  
15:47:22 25 category of six.

15:47:29 1 MR. BROWN: Judge, it should be one because the  
15:47:30 2 criminal history category carries over with the act of  
15:47:34 3 terrorism, and he only has one point, so it should be a  
15:47:35 4 category one.

15:47:36 5 MR. SRINIVASAN: That's correct, Your Honor.

15:47:37 6 THE COURT: All right. So it would be 21-1, and the  
15:47:42 7 correct guideline range would then be 37 to 46; is that  
15:47:46 8 correct?

15:47:47 9 MR. SRINIVASAN: Yes, Your Honor.

15:47:48 10 MR. BROWN: That is correct, Your Honor.

15:47:49 11 THE COURT: All right. Then based on what has been  
15:47:53 12 said to me by the defendant and the concession of the  
15:47:56 13 government, the objection is sustained. The court will  
15:48:00 14 consider a total offense level of 21 and a criminal history  
15:48:06 15 category of one, to the extent that the court considers a  
15:48:13 16 guideline sentence in this case.

15:48:22 17 That ruling having been made, Mr. Brown, do you know  
15:48:25 18 of any legal reason why the court should not proceed with  
15:48:27 19 sentencing at this time?

15:48:28 20 MR. BROWN: None that I'm aware of at this time,  
15:48:30 21 Your Honor.

15:48:30 22 THE COURT: Mr. Srinivasan, does the government know  
15:48:33 23 of any legal reason why the court should not proceed with  
15:48:36 24 sentencing at this time?

15:48:37 25 MR. SRINIVASAN: No, Your Honor.

15:48:42 1 THE COURT: Mr. Brown, Mr. Faircloth, if either or  
15:48:44 2 both of you have anything that you would like to say to the  
15:48:47 3 court before the court pronounces sentence, I will hear from  
15:48:50 4 you at this time and I will take whatever you have to say into  
15:48:53 5 account in determining the appropriate sentence to impose in  
15:48:55 6 this case.

15:49:02 7 THE DEFENDANT: Thank you, Your Honor. I would like  
15:49:04 8 to start my statement with an apology. I'd like to apologize  
15:49:08 9 to the people here on my left for putting them -- for my  
15:49:12 10 actions and any trauma I may have brought to them. I'd like to  
15:49:16 11 apologize to my friends and family here for putting them in  
15:49:20 12 this situation and the things they have gone through with me.  
15:49:23 13 As a whole, I'd like to I apologize to the entire courtroom for  
15:49:26 14 having to be here today at this time due to the decisions I  
15:49:30 15 made.

15:49:30 16 I can honestly say my actions that night have been  
15:49:33 17 the most irrational and illogical thing I've ever done, and I  
15:49:37 18 hope to put all of this behind me soon some day.

15:49:40 19 I want to thank Magistrate Judge Hightower for  
15:49:44 20 allowing me to be out on bond so I can spend time with my  
15:49:47 21 family, friends, and have some time to get my affairs in order.

15:49:50 22 I ask that my sentence only be dealt with fairness  
15:49:53 23 and every factor be thought about for this situation. I've  
15:49:57 24 learned lessons, I'm continuing to learn lessons, and I know I  
15:50:02 25 will learn more lessons in the future.



15:50:04 1 Thank you, Your Honor.

15:50:05 2 THE COURT: Mr. Brown?

15:50:05 3 MR. BROWN: Yes, sir, Your Honor. Just briefly, we  
15:50:07 4 filed a sentencing memorandum kind of supporting our position.  
15:50:12 5 Mr. Faircloth did subject himself to Therapist Pace, who has  
15:50:17 6 been addressing any issues that he's had. He's had some  
15:50:21 7 issues: familial issues, relationship issues, and drug and  
15:50:26 8 alcohol issues. And he's -- he went on his own to get this  
15:50:30 9 counseling. It's helped him tremendously grow as a person. I  
15:50:35 10 think it's helped him come to terms with the statement that he  
15:50:38 11 just made to this court.

15:50:39 12 He accepted responsibility from a very early stage.  
15:50:44 13 Even before he took a plea in this case, Judge, he gave, I want  
15:50:48 14 to say, an hour-and-20-minute confession to law enforcement  
15:50:51 15 when they met with him and first arrested him. He went step by  
15:50:56 16 step and answered their questions. And so we would ask the  
15:50:58 17 court to take that into consideration, the sentencing memo, the  
15:51:01 18 letters of support, the fact that he took it upon himself to  
15:51:06 19 see a therapist and address any issues. As the court knows, it  
15:51:10 20 it's like an onion. You keep peeling layers back and more  
15:51:13 21 issues come up. But Ryan has been very diligent in addressing  
15:51:18 22 them and has come along way since his date of arrest in this  
15:51:22 23 particular matter.

15:51:26 24 THE COURT: Just a minute, please. I want to ask you  
15:51:28 25 about one thing. I'm reviewing the plea agreement that you've

15:51:36 1 entered into. With regard to Rule 11(c)(1)(B) of the Federal  
15:51:44 2 Rules of Criminal Procedure, both sides have agreed to that and  
15:51:50 3 are recommending that as an appropriate sentence to me; is  
15:51:54 4 that's correct?

15:51:55 5 MR. BROWN: That's correct, Your Honor. It was a  
15:51:57 6 recommended sentence for the Court to consider. It's between  
15:52:01 7 which 60, which is the minimum -- 60 months to 72 months.

15:52:05 8 THE COURT: All right. Anything further from the  
15:52:09 9 defense at this time?

15:52:10 10 MR. BROWN: Nothing at this time, Your Honor.

15:52:11 11 THE COURT: All right. Mr. Srinivasan, I'll hear  
15:52:13 12 from the government.

15:52:14 13 MR. SRINIVASAN: Thank you, Your Honor. We ask the  
15:52:16 14 Court to impose a sentence of 72 months in this case, which is  
15:52:19 15 the high end of the recommended range.

15:52:22 16 Your Honor, when we were having discussion earlier  
15:52:25 17 about the guidelines enhancement, we took the position that the  
15:52:29 18 12-level enhancement did not apply in this case by its  
15:52:33 19 technical legal terms, Your Honor, because the defendant's  
15:52:36 20 conduct was primarily focused on a political party, and that's  
15:52:40 21 where his animus was focused as opposed to the government and  
15:52:44 22 retaliation for government conduct.

15:52:46 23 That, however, does not end the story, Your Honor,  
15:52:48 24 because Application Note 4 to the guideline asks the Court to  
15:52:53 25 consider whether the defendant's conduct was designed to

15:52:57 1 intimidate or coerce a civilian population. And that's exactly  
15:53:03 2 what the defendant did here when he fire-bombed the Travis  
15:53:06 3 County Democratic Party offices.

15:53:08 4 This was an act of political violence. The defendant  
15:53:10 5 was filled with political and social grievances ranging from  
15:53:14 6 the actions of the current administration, to border policies,  
15:53:18 7 to abortion, to the 2020 election. But rather than exercising  
15:53:22 8 his rights peacefully through the political process to persuade  
15:53:26 9 his fellow citizens about his views, he pinned those grievances  
15:53:30 10 on the Democratic Party and fire-bombed the local party  
15:53:35 11 offices.

15:53:35 12 He's been convicted of arson, Your Honor, but we  
15:53:38 13 should call this what it was. It was ideologically motivated  
15:53:41 14 firebombing of a political party office in the heart of Austin.

15:53:45 15 In the span of about two hours, in the dead of night  
15:53:48 16 on September 29th, the defendant decided to carry out this  
15:53:52 17 attack, assembled a Molotov cocktail from items that were  
15:53:56 18 readily available to him, researched the location of the  
15:54:00 19 democrat party offices, and he went there to burn the place  
15:54:04 20 down.

15:54:05 21 And there should be no question about the defendant's  
15:54:07 22 intent in committing this crime. He went to the door of the  
15:54:10 23 party offices three times that night. The first time he threw  
15:54:13 24 a rock in the door. The second time he dropped the Molotov  
15:54:18 25 cocktail in, along with a smoke bomb. It didn't light that

15:54:23 1 time, so he went back a few minutes later and he dropped a lit  
15:54:26 2 firecracker, what he called later an artillery shell, into the  
15:54:32 3 offices. The gasoline caught fire, and the party offices could  
15:54:36 4 have burned down.

15:54:38 5 Now, no one was hurt during this crime, Your Honor.  
15:54:44 6 However, that was dumb luck. A Good Samaritan just happened to  
15:54:50 7 be across the street, had a fire extinguisher, was able to make  
15:54:54 8 it there within moments, and tried to put this fire out. But  
15:54:57 9 the defendant's conduct certainly placed, at a minium, the  
15:55:02 10 lives and the safety of first responders at risk, because those  
15:55:06 11 would have been the individuals who would have needed to go  
15:55:08 12 into this inferno to put it out to protect life and property.

15:55:13 13 And, Your Honor, we know that he intended that  
15:55:16 14 explosion and that fire because, as soon he dropped that  
15:55:22 15 artillery shell, that lit artillery shell, he ran from the  
15:55:26 16 door. You don't run unless you expect an explosion.

15:55:30 17 All of the 3553(a) factors in this case weigh in  
15:55:35 18 favor of upward departure to 72 months. The nature and  
15:55:39 19 circumstances of this offense were extremely serious. Although  
15:55:42 20 the defendant does not have a significant criminal history, his  
15:55:45 21 actions were ideologically motivated. The flash to bang in  
15:55:50 22 this case, the time from decision and construction of the  
15:55:52 23 weapon to the time when he attacked the party offices, was  
15:55:55 24 around two hours, Your Honor. It was very, very quick. It was  
15:55:59 25 premeditated. He knew exactly what he was doing.

15:56:03 1 A sentence of 72 months, Your Honor, will promote  
15:56:06 2 respect for the law and deter this kind of conduct because it  
15:56:09 3 would send a message that political violence of the kind that  
15:56:13 4 this defendant engaged in is unacceptable and will be met with  
15:56:18 5 stern justice. Thank you, Your Honor.

15:56:21 6 THE COURT: Does probation have anything further  
15:56:22 7 before sentence is imposed?

15:56:23 8 PROBATION OFFICER: No, Your Honor.

15:56:23 9 THE COURT: Is there anyone here present in the  
15:56:24 10 audience that desires to speak with regard to this case before  
15:56:27 11 the court imposes sentence? If so, please come forward at this  
15:56:30 12 time.

15:56:33 13 Seeing none --

15:56:34 14 MR. SRINIVASAN: Your Honor, I think that one of the  
15:56:36 15 victim representatives may be here.

15:56:39 16 THE COURT: Well, that's fine. It's just when I call  
15:56:43 17 people to come forward, I expect them to get right up and come  
15:56:46 18 forward. And if there's anyone else who desires to speak, get  
15:56:49 19 up at this point and come to the gate where the court security  
15:56:53 20 officer is.

15:56:54 21 The first lady may come forward. Please state your  
15:56:57 22 name and then share anything you desire to share with the  
15:57:02 23 court. And anyone else who may want to speak, get up at this  
15:57:05 24 time and come to the gate where the court security officer is.

15:57:07 25 Please proceed.

15:57:10 1 MS. NARANJO: My name is Katie Naranjo. And I  
15:57:12 2 apologize, Your Honor. I sat my son down, so it took me a  
15:57:14 3 second. I'm the chair of the Travis County Democratic Party.  
15:57:19 4 The Travis County Democratic Party is a volunteer-run and -led  
15:57:22 5 organization. We span with volunteers, activists, staff, and  
15:57:28 6 elected officials.

15:57:30 7 On the night of September 29th -- or the morning of  
15:57:32 8 September 29th when the event occurred, it was a shock to my  
15:57:36 9 staff and I. And I understand political discourse these days  
15:57:40 10 for any party, for any individual, is fraught with emotion.  
15:57:48 11 However, violent acts do not have a place in our civil society.

15:57:54 12 The individuals that Mr. Faircloth was bombing were  
15:57:58 13 social workers, an Army veteran, a public policy student, and  
15:58:04 14 students at UT, my staff and my interns, the people who reside  
15:58:08 15 in that office.

15:58:10 16 We have been the subject of a number of attacks,  
15:58:15 17 unfortunately, and that discourse in our society must be dealt  
15:58:18 18 with in a serious manner. Sentencing is important. However,  
15:58:23 19 our sincerest hope from the party is for rehabilitation so that  
15:58:27 20 the violence ends, the violence stops within our communities,  
15:58:31 21 the violence stops within our political process.

15:58:35 22 Mr. Faircloth threw a number of things that night,  
15:58:38 23 including an incendiary device, a bomb, because he wanted to  
15:58:43 24 assert his power over other people. I can't go into his  
15:58:46 25 motives, but my understanding was the gloating and the letters

15:58:50 1 he left were meant to incite terror. I do take slight offense  
15:58:53 2 that that's not considered, was the emotional intimidation  
15:58:58 3 intended to prevent others from participating in the political  
15:59:01 4 process, as well as hoping that others would copycat him to  
15:59:05 5 take action against others.

15:59:07 6 That's why I'm here today. I'm not here -- it's not  
15:59:12 7 easy to be here with my child, obviously. Unfortunately, my  
15:59:15 8 husband had to work. But I'm here because we sincerely want  
15:59:20 9 violence to stop in our political process, and that any  
15:59:22 10 individual who participates in a violent act in a civil society  
15:59:26 11 be held accountable, but more importantly, be rehabilitated to  
15:59:31 12 reenter society and not continue to have violent thoughts and  
15:59:35 13 behaviors that did -- that did happen prior to the actions he  
15:59:39 14 took and after the actions he took on that evening.

15:59:46 15 The interesting thing is Mr. Faircloth has not  
15:59:49 16 exercised what is his most powerful tool: his right to vote.  
15:59:53 17 He has no voter history. So instead of throwing a bomb, he  
15:59:58 18 could have thrown his vote into an election. And we encourage  
16:00:02 19 all citizens to participate peacefully to have their voice  
16:00:06 20 heard, not through violence, but through the right to vote.

16:00:09 21 Thank you, Your Honor.

16:00:10 22 THE COURT: Thank you.

16:00:25 23 Seeing no one else, Mr. Faircloth, Mr. Brown, if  
16:00:32 24 either or both of you have anything you would like to say in  
16:00:35 25 addition to what you've already said or in response to anything

16:00:40 1 that's been said by anyone else, I'll hear from you at this  
16:00:43 2 time.

16:00:43 3 MR. BROWN: Just briefly, Your Honor. The range of  
16:00:45 4 punishment on this particular case would be 37 to 46 months.  
16:00:48 5 As we know, the mandatory minimum is 60, so it's below the  
16:00:52 6 mandatory minimum. The government is asking that the sentence  
16:00:55 7 in the low end of guideline range be essentially doubled for  
16:00:58 8 this particular case. We're asking that he be sentenced at the  
16:01:03 9 low end of the range of punishment on this particular case,  
16:01:06 10 which is 60 months.

16:01:08 11 I think that's more than sufficient under the  
16:01:10 12 circumstances of this particular case for the actions and for  
16:01:15 13 what transpired. Like we mentioned previously, Mr. Faircloth  
16:01:20 14 readily accepted responsibility, pled fairly early on in this  
16:01:25 15 particular case, gave a lengthy confession just as the officers  
16:01:30 16 took him into custody.

16:01:31 17 So under those circumstances, Judge, plus with the  
16:01:34 18 sentencing memo that we have filed before this particular  
16:01:36 19 court, we would ask for a sentence of 60 months.

16:01:43 20 THE COURT: Mr. Faircloth, anything in addition you  
16:01:45 21 wish to say personally?

16:01:47 22 THE DEFENDANT: No, Your Honor.

16:01:53 23 THE COURT: The Court has read and reviewed the  
16:01:56 24 presentence investigation report prepared by the probation  
16:01:58 25 department in this case. And after sustaining the objection to



16:02:05 1 the report, I find the correct total offense level is 21, the  
16:02:10 2 correct criminal history category is one, and the correct  
16:02:12 3 guideline range is a term of 37 to 47 months, but the court  
16:02:17 4 also notes that that guideline range would be adjusted to 60  
16:02:24 5 months because of the statutory minimum in this case, and I  
16:02:30 6 accept and adopt that report.

16:02:31 7 I have further reviewed carefully the plea agreement  
16:02:36 8 in this case which provides under Rule 11(c)(1)(B) of the  
16:02:43 9 Federal Rules of Criminal Procedure that the parties recommend  
16:02:51 10 to the court that the appropriate resolution of this case would  
16:02:55 11 include a term of imprisonment between 60 months and 72 months  
16:03:01 12 custody in the Bureau of Prisons. And, of course, the  
16:03:04 13 government is arguing for 72 months, and the defendant is  
16:03:07 14 arguing for 60 months.

16:03:09 15 In addition, I have reviewed the sentencing  
16:03:14 16 memorandum in this case. I have reviewed the letters and other  
16:03:20 17 information provided me from the executive director and chair  
16:03:26 18 of the Travis County Democratic Party. And I've heard the  
16:03:31 19 statements this morning -- or this afternoon by Ms. Naranjo and  
16:03:37 20 the statements heard -- I mean statements of the defendant in  
16:03:39 21 this case, all of which I have taken into account. And I've  
16:03:47 22 heard the statements by the lawyers.

16:03:49 23 As stated during the discussion on the objection to  
16:03:56 24 the presentence investigation report, that technically under  
16:04:00 25 the law -- if anything is technical under the law or whether

16:04:03 1 it's just the law -- there was inadequate evidence that this  
16:04:09 2 was an act of terrorism as defined by the statute. That having  
16:04:15 3 been said, that does not in any way lessen the gravity of the  
16:04:24 4 actions of this defendant.

16:04:27 5 This was an attack on the government of the United  
16:04:29 6 States. We have a party system -- political party system in  
16:04:33 7 this country that has two primary political parties who conduct  
16:04:38 8 primary elections which choose the candidates, one of which --  
16:04:43 9 one of whom is generally elected to a political office. So the  
16:04:48 10 court considers this to be an attack on an institution of  
16:04:53 11 government.

16:04:54 12 I further find from my review of the presentence  
16:04:57 13 investigation report and the evidence before me that it was an  
16:05:04 14 attempt by this defendant to intimidate or coerce an  
16:05:12 15 institution of at least democracy, if not the government  
16:05:15 16 itself.

16:05:17 17 Attacks on our way of life and the way we govern  
16:05:23 18 ourselves cannot be overstated in their importance. We're  
16:05:29 19 living in a difficult time right now. Our traditional  
16:05:36 20 institutions of government are under constant attack and are  
16:05:39 21 discredited. And I find that this case, while although not  
16:05:45 22 legally an act of terrorism is similar to an act of terrorism.

16:05:53 23 I believe that you, Mr. Faircloth, have given a  
16:06:04 24 pretty good break and have been well represented by the plea  
16:06:07 25 agreement that has been negotiated in this case, and I will

16:06:12 1 accept the recommendation in the plea agreement and sentence  
16:06:20 2 within the range that you have agreed upon.

16:06:22 3 In doing so, though, I have considered all of the  
16:06:29 4 factors in Title 18 of the United States Code, particularly  
16:06:37 5 with regard to the seriousness of the offense. If I have not  
16:06:41 6 made it clear up to this point, I consider this one of the most  
16:06:43 7 serious of offenses in this case. And that is what I've looked  
16:06:51 8 most strongly and most pointedly at in the Title 18, 3553  
16:06:59 9 factors.

16:06:59 10 I find that the sentence I'm going to impose is in  
16:07:03 11 keeping with your plea bargain agreement; that it is a sentence  
16:07:07 12 that is tailored to meet the facts and circumstances of your  
16:07:10 13 background and the offense for which you have been convicted;  
16:07:14 14 that it is a sentence that takes into account all of the  
16:07:18 15 factors in Title 18 of the United States Code, Section 3553,  
16:07:23 16 all of which I have considered and only one I have mentioned  
16:07:28 17 within any emphasis at the point; and that this is a reasonable  
16:07:32 18 sentence to impose in this case.

16:07:35 19 Therefore, pursuant to the Sentencing Reform Act of  
16:07:37 20 1984, it is the judgment of this court that you, Ryan Taylor  
16:07:42 21 Faircloth, are hereby sentenced to 72 months confinement in the  
16:07:47 22 Bureau of Prisons.

16:07:49 23 It is my recommendation to the Bureau that you be  
16:07:52 24 placed in their facility at La Tuna in El Paso and that you be  
16:07:57 25 afforded the most intensive drug counseling and treatment that

16:08:06 1 are provided in any institution where you're held and that you  
16:08:09 2 be provided with educational training and courses to the extent  
16:08:14 3 they're available at the institution to which you are assigned.  
16:08:18 4 And it is my recommendation to you that you take advantage of  
16:08:22 5 those.

16:08:24 6           Upon release from imprisonment, you shall be placed  
16:08:26 7 on supervised release for a term of three years. Within 72  
16:08:31 8 hours of release from the custody of the Bureau of Prisons, you  
16:08:34 9 shall report in person to the probation office in the district  
16:08:37 10 to which you are released.

16:08:39 11           While on supervised release, you shall not commit  
16:08:42 12 another, federal, state or local crime, and you shall comply  
16:08:45 13 with the mandatory and standard conditions adopted by this  
16:08:48 14 court on November 28th, 2016.

16:08:52 15           In addition, you shall comply with the follow special  
16:08:55 16 conditions: You shall participate in a substance abuse  
16:08:59 17 treatment program and follow the rules and regulations of that  
16:09:02 18 program. The program may include testing and examination  
16:09:06 19 during and after program completion to determine if you have  
16:09:13 20 reverted to the use of drugs or alcohol. A probation officer  
16:09:16 21 may supervise your participation in the program, and you shall  
16:09:19 22 pay the costs of the program and any treatment to the extent  
16:09:22 23 you are financially able.

16:09:24 24           During your term of supervision, you shall abstain  
16:09:27 25 from the use of alcohol and any and all intoxicants. You shall

16:09:32 1 submit to substance abuse testing to determine if you have used  
16:09:37 2 a prohibited substance. You shall not attempt to obstruct or  
16:09:41 3 tamper with any testing method, and you shall pay the cost of  
16:09:45 4 any testing to the extent you are financially able.

16:09:49 5           You shall submit your person, property, house,  
16:09:52 6 residence, office, vehicle, papers, computers as defined in  
16:09:55 7 Title 18 of the United States Code, section 1030(e)(1), and all  
16:10:00 8 over electronic communications or data storage devices or media  
16:10:05 9 to a search conducted by a United States probation officer.  
16:10:09 10 Your failure to submit to a search may be grounds for  
16:10:14 11 revocation of your release.

16:10:15 12           You shall warn any other occupant of any premises  
16:10:18 13 that you occupy that those premises may be subject to searches  
16:10:22 14 pursuant to this condition. A probation officer may conduct a  
16:10:25 15 search under this condition when a reasonable suspicion exists  
16:10:30 16 that you have violated a condition of your supervision. Any  
16:10:34 17 search must be conducted at a reasonable time and in a  
16:10:37 18 reasonable manner.

16:10:38 19           It is further ordered that you make restitution in to  
16:10:41 20 the following victims totaling \$12,472.84:

16:10:48 21           To the Travis County Democratic Party, 1311 East  
16:10:53 22 6th Street, Unit B, Austin Texas 78702, restitution in the  
16:10:58 23 amount of \$9,472.84; to Lorenzco, Inc. 1311-A East 6th Street,  
16:11:09 24 Austin, Texas 78702, restitution in the amount of \$3,000.

16:11:16 25           If you are not now able to pay this indebtedness, you

16:11:18 1 shall cooperate fully with the Office of the United States  
16:11:21 2 Attorney, the Bureau of Prisons, and the United States  
16:11:24 3 Probation Office to make payment in full as soon as possible,  
16:11:28 4 including during any period of incarceration.

16:11:32 5 Any unpaid balance at the commencement of a term of  
16:11:35 6 supervised release shall be paid on a schedule of monthly  
16:11:38 7 installments to be established by the United States Probation  
16:11:43 8 Office and approved by the court.

16:11:45 9 It is additionally ordered that you shall pay the  
16:11:48 10 United States -- to the United States a fine of \$5,000. It is  
16:11:52 11 further ordered that you shall pay to the United States a  
16:11:55 12 special mandatory assessment of \$100.

16:12:01 13 Mr. Faircloth, at this time I am handing to the clerk  
16:12:05 14 of this court the presentence investigation report prepared by  
16:12:09 15 the probation department in this case and to which we have  
16:12:11 16 referred during this proceeding. I'm ordering that that report  
16:12:15 17 be sealed. That means that no one may come to the district  
16:12:18 18 clerk's office and read about you or any member of your family  
16:12:24 19 or any of the facts and circumstances surrounding the offense  
16:12:27 20 for which you have been convicted and sentenced today which may  
16:12:30 21 be contained in that report.

16:12:32 22 However, I wish to advise you that if for any  
16:12:35 23 reason -- pardon me. I wish to advise you that if there is an  
16:12:39 24 appeal from the sentence that I have just imposed, both you and  
16:12:46 25 the government may use your copies of the appeal -- pardon

16:12:49 1 me -- copies of the presentence investigation report for  
16:12:52 2 purposes of appeal, and in that event the presentence  
16:12:54 3 investigation report will become part of the record on appeal.

16:12:56 4 Do you understand that?

16:13:01 5 THE DEFENDANT: Yes, Your Honor.

16:13:01 6 THE COURT: Pursuant to the terms of your plea  
16:13:03 7 agreement, you have waived your right to appeal the sentence  
16:13:05 8 that I have just imposed except under certain circumstances set  
16:13:09 9 forth in that agreement. In a moment I will be passing to you  
16:13:13 10 and your lawyer letters that more fully explain that.

16:13:16 11 However, I wish to tell you at this time that if for  
16:13:20 12 any reason you desire to appeal the sentence that I have just  
16:13:23 13 imposed or if for any reason you think you have a right to  
16:13:26 14 appeal that sentence, you may only do so if you first file with  
16:13:30 15 the clerk of this court within 14 days a Written Notice of  
16:13:33 16 Appeal. That's a written document called a "Notice of Appeal."

16:13:37 17 If you do not file such a written Notice of Appeal  
16:13:40 18 with the clerk of this court within 14 days, you can never  
16:13:44 19 appeal the sentence that I have just imposed and you will  
16:13:46 20 forever waive your right to appeal that sentence.

16:13:49 21 Do you understand that?

16:13:52 22 MR. BROWN: Yes, Your Honor.

16:13:53 23 THE COURT: Then at this time I am passing to you and  
16:13:55 24 your lawyer letters that more fully explain that.

16:13:57 25 Mr. Brown, do you care to be heard on whether the

16:14:04 1 defendant should be allowed to self-surrender or whether he  
16:14:08 2 should be remanded into custody at this time?

16:14:12 3 MR. BROWN: I would like to be heard on that,  
16:14:14 4 Your Honor. We would ask for the opportunity to  
16:14:16 5 self-surrender. He's been in compliance with pretrial. I had  
16:14:20 6 asked for a report today just to make sure that was consistent.  
16:14:23 7 But after talking to my client, I believe he's been in  
16:14:27 8 compliance with pretrial, with his curfew, with all the other  
16:14:30 9 conditions that the Court has ordered as part of his pretrial  
16:14:33 10 release. So we would ask that he be able to self-surrender.

16:14:38 11 THE COURT: Mr. Srinivasan.

16:14:39 12 MR. SRINIVASAN: Your Honor, the government initially  
16:14:41 13 asked for remand in this case. We defer to the Court's  
16:14:46 14 judgment on whether to order self-surrender. We're not taking  
16:14:49 15 a position on that. We understand that the defendant has for  
16:14:51 16 the most part been compliant. This was, however, a serious  
16:14:54 17 offense. He's been convicted of that offense and sentenced for  
16:14:57 18 that offense. We defer to the Court's judgment on that.

16:15:00 19 THE COURT: It is a serious offense, but the  
16:15:03 20 probation department has not advised of anything that leads the  
16:15:08 21 court to believe the defendant is a flight risk or a danger to  
16:15:12 22 the community at this time. And I have received a status  
16:15:16 23 report from pretrial services that he continues to abide by the  
16:15:24 24 rules and regulations of the location monitoring program.

16:15:28 25 So I will allow him to remain at large provided,



16:15:34 1 Mr. Faircloth, you represent to the court that if I allow you  
16:15:38 2 to remain at large under the same terms and conditions of your  
16:15:42 3 current release, that you will report when and where as  
16:15:46 4 directed by the Bureau of Prisons, the United States Marshals,  
16:15:50 5 or any other agency of the federal gothernment.

16:15:53 6 THE DEFENDANT: Yes, Your Honor.

16:15:53 7 THE COURT: All right. Then I will not remand you at  
16:15:56 8 this time. You will be allowed to self-surrender. But until  
16:16:01 9 that point, you will be under the same constraints and rules as  
16:16:06 10 your previous pretrial release, and I instruct you to speak  
16:16:10 11 with the pretrial services office before you leave this  
16:16:13 12 building today to see if they have any immediate instructions  
16:16:17 13 to you.

16:16:17 14 Do you understand that?

16:16:19 15 THE DEFENDANT: Yes, Your Honor, I do.

16:16:20 16 THE COURT: Is there anything further to come before  
16:16:22 17 the court in this case at this time?

16:16:24 18 MR. SRINIVASAN: Not from the gothernment. Thank  
16:16:25 19 you.

16:16:26 20 MR. BROWN: Nothing from defense, Your Honor. Thank  
16:16:27 21 you.

16:16:28 22 THE COURT: At this time the court dismisses any  
16:16:30 23 pending motions on which the court has not previously ruled.

16:16:33 24 You are excused. Good luck to you, Mr. Faircloth.

16:16:37 25 (End of transcript)

1 **UNITED STATES DISTRICT COURT        )**

2 **WESTERN DISTRICT OF TEXAS            )**

3       I, Arlinda Rodriguez, Official Court Reporter, United  
4 States District Court, Western District of Texas, do certify  
5 that the foregoing is a correct transcript from the record of  
6 proceedings in the above-entitled matter.

7       I certify that the transcript fees and format comply with  
8 those prescribed by the Court and Judicial Conference of the  
9 United States.

10       WITNESS MY OFFICIAL HAND this the 2nd day of June 2022.

11

12                                   /S/ Arlinda Rodriguez  
13                                   Arlinda Rodriguez, Texas CSR 7753  
14                                   Expiration Date: 10/31/2023  
15                                   Official Court Reporter  
16                                   United States District Court  
17                                   Austin Division  
18                                   501 West 5th Street, Suite 4152  
19                                   Austin, Texas 78701  
20                                   (512) 391-8791

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ARLINDA L. RODRIGUEZ, OFFICIAL COURT REPORTER  
U.S. DISTRICT COURT, WESTERN DISTRICT OF TEXAS (AUSTIN)